

REMARKS

In the March 3rd Office Action, claims 41, 42, 44, 45, 56-59, 61, 62, 67-69, 71, and 72 were rejected under § 102(b) as anticipated by Cohn '351. Claims 76-82 were rejected under § 102(b) as anticipated by Fant '536. Claim 43 was rejected under § 103 in view of the combination of Cohn '351 and Howitt '544. Claims 48 and 49 were rejected under § 103 in view of the combination of Cohn '351 and Haley '655. Claims 50-52 were rejected under § 103 in view of the combination of Cohn '351 and Kessel '698. Finally, claims 54 and 55 were rejected under § 103 in view of the combination of Cohn '351 and Knepler '055.

Claims 46, 47, 53, 60, 63, 65, 70, 72, 73, and 75 were indicated as objected to for being dependent upon a rejected base claim, but allowable if rewritten in independent form.

With the present Amendment, claims 64 and 76-82 have been cancelled.

Claim 46 has been amended to be placed in independent form and is thus allowable. Claim 47 depends from claim 46 and is thus also allowable.

Claims 53, 60, 63, 65, 70, 72, 73, and 75 have been amended to be placed in independent form and are thus also allowable. Claim 74 depends from claim 73 and is thus allowable.

Applicant respectfully submits that claim 41 as amended and presented herein is allowable over the art of record.

As amended, claim 41 includes the limitation that the tank is sized with respect to the screen basket and a full liquid level of the interior volume of the tank such that, after a predetermined infusion time, the basket can be moved upwardly within the tank to a

position where it is out of contact with the beverage within the tank. As described at page 15 of the substitute specification, this is a desirable feature in that removing the screen basket from the beverage ensures that the taste of the beverage is not impaired due to further liquid running through the infusion material. For example, in the case of green tea, additional liquid running through the infusion material would release bitter particles and the taste of the tea would be negatively affected.

The additional limitation to claim 41 is not found in any reference of record alone, or in combination with other references. Accordingly, applicant submits that claim 41 is allowable. Also, it should be noted that the method of claim 73 has been indicated as allowable. The distinguishing step in the method claim was that the screen basket is moved out of the liquid after the infusion time. Claim 73 also contains the limitation that a signal is generated indicating that the beverage is complete.

Claim 42-45, 48-52, 54-59, 61, and 62 depend from claim 41 and are allowable for at least the reasons set forth above with respect to claim 41.

Independent method claim 67 has been amended to include the additional limitation that, after the predetermined infusion time, the screen basket is moved to a position within the tank such that the infusion material within the screen basket is out of contact with the beverage within the tank. Applicant respectfully submits that the method of claim 67 is thus allowable over the art of record for essentially the reasons set forth above in the discussion of claim 41.

Claims 68, 69, and 71 depend from claim 67 and are thus allowable.

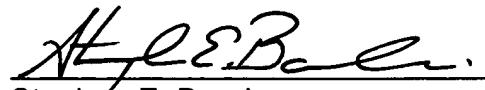
Applicant respectfully submits that, with the present Amendment, all pending claims are allowable and that the application is in condition for allowance. Favorable

action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

DORITY & MANNING, P.A.

By:



Stephen E. Bondura
Registration No.: 35,070

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
fax (864) 233-7342